

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Samantha Siva Kumaran and Nefertiti Risk  
Capital Management, LLC,

Plaintiffs,

-against-

ADM Investor Services, Inc.,  
Defendant.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 6/8/2021

1:20-cv-03873 (GHW) (SDA)

**ORDER**

**STEWART D. AARON, United States Magistrate Judge:**

Before the Court is a motion by Plaintiffs to seal certain exhibits to the arbitration pleadings, which Plaintiffs contend contain confidential financial and trading data and trade secret information. (See Pls.’ Letter Mot., ECF No. 55.) Having considered these documents in light of the test set forth in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), the Court finds that sealing is warranted.

Generally, “documents filed in connection to a Motion to Compel Arbitration . . . ‘are judicial documents to which a presumption of immediate public access attaches under both the common law and the First Amendment.’” *Bernsten v. O’Reilly*, 307 F. Supp. 3d 161, 166 (S.D.N.Y. 2018) (quoting *Lugosch*, 435 F.3d at 126). Nonetheless, the particular exhibits at issue contain non-public financial and trading data and related communications that are “sensitive and potentially damaging if shared with competitors” and, thus, the Court finds that Plaintiffs’ interest in maintaining the confidentiality of these documents outweighs the presumption of public access. See *Capri Sun GmbH v. Am. Beverage Corporation*, No. 19-CV-01422 (PAE), 2021 WL 2292575, at \*1 (S.D.N.Y. June 4, 2021) (granting motion to seal information that if made public could competitively damage disclosing party); see also *Re: IBM v. Rodrigo Lima*, No. 20-CV-

04573, 2020 WL 6048773, at \*3 (S.D.N.Y. Oct. 13, 2020) (granting motion to seal confidential business information). Accordingly, Plaintiffs' motion is GRANTED.

**SO ORDERED.**

DATED: New York, New York  
June 8, 2021

A handwritten signature in black ink, reading "Stewart D. Aaron", written over a horizontal line.

STEWART D. AARON  
United States Magistrate Judge